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IFM

Attorney Docket No. 03499/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Michikazu KONDO et al  
Serial No. : 10/648,864  
Filed : August 25, 2003  
For : OPTICAL SWITCH  
Art Unit : 2817  
Examiner :

**INFORMATION DISCLOSURE STATEMENT  
WITH STATEMENT UNDER 37 CFR 1.97) (e)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

Submitted herewith are the following:

- (1) Copy of Search Report issued in the counterpart European application;
- (2) Copies of the cited publications, except for the U.S. patent publications; and
- (3) Form PTO/SB/08A. It is requested that an initialed copy of the Form PTO/SB/08A be returned to indicate that the publications listed therein have all been considered and made of record.

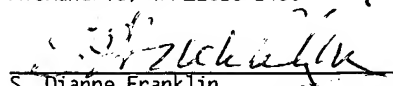
Said communication is in English, thereby satisfying the requirements for a concise explanation of relevance for any non-English language publications cited therein (MPEP 609 III A(3)).

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I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
S. Dianne Franklin

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

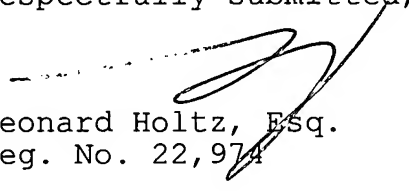
As seen from the listing of family members, USP 5,015,978 is a family member of JP 63-301441, and is listed on the attached Form PTO/SB/08A.

**STATEMENT UNDER 37 CFR 1.97(e) (1)**

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Information Disclosure Statement. Said Communication bears a mailing date of October 4, 2004. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

It is respectfully requested that the attached publications be considered and made of record.

Respectfully submitted,

  
Leonard Holtz, Esq.  
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Dated: December 9, 2004


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PTO/SB/08A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  	Application Number		10/648,864	
	Filing Date		August 25, 2003	
	First Named Inventor		Michikazu KONDO	
	Group Art Unit		2817	
	Examiner Name			
	of	1	Attorney Docket Number	03499/LH

## U.S. PATENT DOCUMENTS

Exam. Inits*	Cite No <sup>1</sup>	Document Number	Kind Code <sup>2</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion
		5,015,978		YOKOO et al	05-14-1991	
		5,268,975	A	YOSHITANI et al	12-07-1993	
		5,455,707	A	CIPOLLA	10-03-1995	
		5,999,669	A	PAN et al	12-07-1999	
		6,394,617	B1	WU	05-28-2002	

## FOREIGN PATENT DOCUMENTS

Exam Inits <sup>*</sup>	Cite No <sup>1</sup>	Offc <sup>3</sup>	Document Number <sup>4</sup>	Kind Code <sup>5</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T <sup>6</sup>
		EP	1 049 127	A2	NEC CORPORATION	11-02-2000		
		EP	1 207 416	A1	OLYMPUS OPTICAL CO. LTD.	05-22-2002		
		JP	63-301441	A	NEC CORP.	12-08-1988		*
			*Including English language Abstract only.					
Examiner Signature					Date Considered			

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Place a check here if English translation is attached.

DATE MAILED: December 9, 2004